

AUTHORIZING THE REIMBURSEMENT OF CERTAIN NAVAL ATTACHÉS, OBSERVERS, AND OTHER OFFICERS FOR CERTAIN EXPENSES INCURRED WHILE ON AUTHORIZED MISSIONS IN FOREIGN COUNTRIES

SEPTEMBER 13, 1951.—Ordered to be printed

Mr. STENNIS, from the Committee on Armed Services, submitted the following

REPORT

[To accompany H. R. 2737]

The Committee on Armed Services, to whom was referred the bill (H. R. 2737) to authorize the reimbursement of certain naval attachés, observers, and other officers for certain expenses incurred while on authorized missions in foreign countries, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

AMENDMENT TO THE BILL

On page 1, line 8, strike out the words "during the fiscal year" and insert in lieu thereof the words "prior to March 2,".

PURPOSE OF THE BILL

The purpose of H. R. 2737 is to authorize the reimbursement of certain officers of the Navy and Marine Corps who were assigned abroad as attachés and intelligence observers for expenses incurred in hiring and maintaining persons performing domestic services made necessary by such assignment, during the fiscal year 1948.

EXPLANATION OF THE BILL

Allotments to attachés

Duty as an attaché or as an observer involves the reception and entertainment of official visitors. In other that officers so assigned could maintain the position appropriate to local custom and protocol in foreign countries, the military services have for many years granted allotments to observers and attachés that purport to equal the differ-

ential between normal costs of living in the United States and the countries in which the officers are assigned. The officers are reimbursed on vouchers only for the actual expenses incurred within the allotments granted.

Restriction imposed by Appropriation Act of 1948

The 1948 Appropriation Act for the Navy Department provided that no appropriation contained in that act could be made available to pay any civil employee performing the services of a domestic in the quarters of an officer on shore. Since a similar prohibition was not imposed on the Army or the Air Force, and there had previously been no limitation on the employment of civilians in the quarters of officers abroad, the Navy continued to grant allotments to observers and attachés that included allowances for hiring persons performing domestic service in official quarters.

Adverse ruling by Comptroller General

The Comptroller General in a decision of January 8, 1948, reaffirmed after reconsideration on February 28, 1948, held that reimbursement for such expense was prohibited by the proviso of the 1948 Appropriation Act referred to above.

Action by Navy Department pursuant to ruling

As a result of the Comptroller General's decision the Navy Department in a dispatch dated March 2, 1948, notified the officers concerned of the decision and reduced the allotments accordingly. Before the dispatch promulgating these instructions went out, claims for servant hire in the aggregate of \$42,780.43 had been paid and were subsequently disallowed. As received by the committee, the bill would have validated payment of those claims and would have authorized reimbursement for this type of expense actually incurred during the remainder of fiscal year 1948, at a total cost to the Government of \$89,905.97. The Navy changed its instructions for the fiscal year 1949 so that expenses for servant hire were not incurred with any expectation of reimbursement and no relief for fiscal year 1949 is sought. The prohibition was removed with respect to attachés in the Appropriations Act of 1950.

Reason for amendment

Inasmuch as the officers in the field were presumably on notice after March 2, 1948, that they could not expect reimbursement for this type of expense, the committee amended the bill to provide that only those expenses incurred prior to the notice of the Comptroller General's decision are reimbursable.

Committee recommendation

Different appropriations subcommittees considered Army and Navy appropriations for the fiscal year 1948 and the domestic-help limitation was not imposed on the Army, resulting in some instances of the somewhat anomalous condition of attachés within the same Embassy receiving different treatment, in that Army attachés could hire the necessary domestic help while the Navy ones could not. In view of this fact and that the payments were made by the officers concerned in good faith and with the expectation of reimbursement in accordance

with official instructions, the committee recommends enactment of the proposed legislation, as amended.

Cost

The enactment of the proposed legislation, as amended, will involve a cost to the Government of \$42,780.43.

RECOMMENDATION OF DEPARTMENT OF DEFENSE

The Department of Defense urges the passage of the bill as indicated by the following letter:

FEBRUARY 7, 1951.

Hon. SAM RAYBURN,
Speaker of the House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: There is transmitted herewith a proposed bill, to authorize the reimbursement of certain naval attachés, observers, and other officers for certain expenses incurred while on authorized missions in foreign countries.

The purpose of the proposed bill is to authorize the reimbursement of naval attachés, observers, and other naval officers abroad on missions connected with naval intelligence, for expenses incurred in hiring and maintaining permanent household service staffs, and in hiring extra servants for specific occasions of official entertainment during the fiscal year 1948.

Although such reimbursement was authorized in previous years, the Comptroller General in decision B-71281 of January 9, 1948, reaffirmed February 26, 1948, objected to the reimbursement of such officials. The decision was based on the application of a provision contained in the Navy Department Appropriations Act, 1948 (61 Stat. 386), which reads in part as follows:

"* * * *Provided*, That, except in the case of those who have specifically enlisted for such duty, no appropriation contained in this act shall be available for the pay, allowances, or other expenses of any enlisted man or civil employee performing service in the residence or quarters of an officer or officers on shore as a cook, waiter, or other work of a character performed by a household servant, but nothing herein shall be construed as preventing the voluntary employment in any such capacity of a retired enlisted man or a transferred member of the Fleet Reserve without additional expense to the Government * * *."

The Navy Department authorized the incurring of the expenses in its "Instructions governing allotments from the appropriation 'Miscellaneous expenses, Navy' for maintenance expenses (exclusive of entertainment) for naval attachés and others abroad" and in similar instruction for Naval Intelligence posts abroad. As a result of these instructions, such expenses continued to be incurred until in accordance with the previously mentioned decision new instructions were sent out to the various naval missions in foreign countries by a dispatch released March 2, 1948.

The proposed bill would authorize reimbursement for expenses during fiscal year 1948. During that time these expenses were incurred with the expectation of reimbursement. Deprivation of reimbursement to those not paid and checkage of accounts of those erroneously reimbursed would result in undue hardship to the individuals concerned.

In view of the foregoing, the Navy Department recommends that the proposed legislation be enacted.

The enactment of the proposed legislation would result in an additional cost of \$89,905.97 to the Government.

The Navy Department has been advised by the Bureau of the Budget that there is no objection to the submission of this report to the Congress.

Sincerely yours,

DAN A. KIMBALL.

CHANGES IN EXISTING LAW

In compliance with subsection 3 of rule XXIX of the Standing Rules of the Senate there is herewith printed in parallel columns

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the text of the provisions of existing laws which would be repealed or amended by the provisions of the bill as amended by the committee.

EXISTING LAW

The proviso in section 1 of the Act of July 18, 1947, under the Headings "BUREAU OF SUPPLIES AND ACCOUNTS" and "PAY AND SUBSISTENCE OF NAVAL PERSONNEL" (61 Stat. 386).

Provided, That, except in the case of those who have specifically enlisted for such duty, no appropriation contained in this Act shall be available for the pay, allowances, or other expenses of any enlisted man or civil employee performing service in the residence or quarters of an officer or officers on shore as a cook, waiter, or other work of a character performed by a household servant, but nothing herein shall be construed as preventing the voluntary employment in any such capacity of a retired enlisted man or a transferred member of the Fleet Reserve without additional expense to the Government, nor the sale of meals to officers by general messes on shore as regulated by detailed instructions from the Navy Department;

THE BILL (H. R. 2737)

SECTION 1. * * *

"That, notwithstanding the proviso in section 1 of the Act of July 18, 1947, under the headings, "BUREAU OF SUPPLIES AND ACCOUNTS" and "PAY AND SUBSISTENCE OF NAVAL PERSONNEL" (61 Stat. 386), naval personnel shall be entitled to reimbursement for amounts expended by them prior to March 2, 1948 for hiring and maintaining permanent household staffs or for hiring servants for specific occasions of official entertainment, while in the performance of their duties in foreign countries as attachés, observers, or on any other authorized missions in connection with Naval Intelligence: *Provided*, That any payments which have heretofore been made for such purposes are hereby expressly validated."